

Exhibit 12

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

—

THIS DOCUMENT RELATES TO:

All Cases

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

NOTICE OF 30(B)(6) DEPOSITION BY WRITTEN QUESTIONS

Defendants Box Hill Surgery Center, LLC, Ritu T. Bhambani, MD, and Ritu T. Bhambani, MD, LLC (Hereinafter "Box Hill"), pursuant to Fed. R. Civ. P. 31 and 30(b)(6), come now and give notice that the deposition of Cumberland Valley Surgery Center, as an organization, will be taken by written questions.

Pursuant to Fed. R. Civ. P. 30(b)(6) and 31(a)(4), Cumberland Valley Surgery Center shall designate a witness to testify regarding the written questions included with this notice, and any cross questions, redirect questions, or recross questions submitted in accordance with Fed. R. Civ. P. 31(a)(5).

The deponent will testify before a court reporter from Discovery Litigation Services at a time and place convenient for the witness but not to occur less than 30 days after service of this notice and the accompanying questions (to permit parties time to submit cross, redirect, and recross questions), or after **November 15, 2015**. The deposition will be recorded by stenographical means.

Respectfully submitted,

/s/ Gregory K. Kirby
Gregory K. Kirby
Pessin Katz Law, PA
901 Dulaney Valley Road
Suite 400
Towson, MD 21204
(410) 938-8800
gkirby@pklaw.com

*Attorneys for Box Hill Surgery Center, LLC, Ritu
T. Bhambani, MD, and Ritu T. Bhambani, MD,
LLC*

CERTIFICATE OF SERVICE

I, Gregory K. Kirby, hereby certify that:

1. A copy of the forgoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system, including the attorneys representing the Plaintiffs in suits against Box Hill
2. Notice of Electronic Filing (NEF) will be sent to those parties by operation of CM/ECF system
3. A copy of the document will be served by U.S. Mail and Hand Delivery to Cumberland Valley Surgery Center, 1110 Professional Court, Hagerstown, MD 21740

on October 12, 2015.

/s/ Gregory K. Kirby
Gregory K. Kirby

4. Please provide a brief summary of your educational and employment background, leading up to your present position at Cumberland Valley Surgery Center.
5. Please provide a general description of your facility (e.g., type of practice, number of physicians, etc.).
6. By virtue of your role at Cumberland Valley Surgery Center, are you familiar with Cumberland Valley Surgery Center's medication purchasing practices?
7. Please describe the basis for your familiarity with Cumberland Valley Surgery Center's medication purchasing practices (e.g., is it from personal knowledge? have you spoken with persons at Cumberland Valley Surgery Center or reviewed documents?).

Purchases from NECC and actions prior to purchase

8. For the years 2010 through 2012, did Cumberland Valley Surgery Center purchase medications offered for sale by Medical Sales Management and/or New England Compounding Center and made by the New England Compounding Center (hereinafter "NECC")?
9. Please describe the timeframes that Cumberland Valley Surgery Center purchased medications from NECC and what medications were purchased.
10. Prior to purchasing medications from NECC, did a representative of Cumberland Valley Surgery Center perform an in-person inspection of NECC's compounding facility? If so, please (1) state when, (2) describe what was done and what was found, and (3) state whether, following the inspection, Cumberland Valley Surgery Center purchased medications from NECC.
11. Prior to purchasing medications from NECC, did Cumberland Valley Surgery Center conduct research into whether NECC had recalled any medications made by NECC? If so, please (1) describe the research conducted, (2) describe the results, and (3) state whether, following the drug recall research, Cumberland Valley Surgery Center purchased medications from NECC.
12. Prior to purchasing medications from NECC, did Cumberland Valley Surgery Center conduct research into whether NECC had ever been named as a defendant in a products liability lawsuit? If so, please (1) describe the research conducted, (2) describe the results, and (3) state whether, following the previous lawsuit research, Cumberland Valley Surgery Center purchased medications from NECC.
13. Prior to purchasing medications from NECC, did Cumberland Valley Surgery Center request information from the Massachusetts Board of Registration in Pharmacy (the "Board") about previous disciplinary actions taken by the Board against NECC? If so, please (1) describe what information was provided by the Massachusetts Board of

Registration in Pharmacy and (2) state whether, following the request, Cumberland Valley Surgery Center purchased medications from NECC.

14. Prior to purchasing medications from NECC, did Cumberland Valley Surgery Center submit a Freedom of Information Act request to the FDA for documentation of disciplinary actions and/or warnings issued to NECC by the FDA? If so, please (1) describe what information was provided by the FDA and (2) state whether, following the request, Cumberland Valley Surgery Center purchased medications from NECC.
15. Prior to purchasing medications from NECC, did Cumberland Valley Surgery Center search the FDA website for information about NECC? If so, please (1) describe what information was obtained from the FDA website and (2) state whether, following the request, Cumberland Valley Surgery Center purchased medications from NECC.
16. Prior to purchasing medications from NECC, did Cumberland Valley Surgery Center review transcripts from or summaries of any U.S. Congressional hearings on compounding pharmacies? If so, following the review, did Cumberland Valley Surgery Center purchase medications from NECC?
17. At the time of Cumberland Valley Surgery Center's purchases from NECC, did Cumberland Valley Surgery Center have a policy and/or procedure in place prohibiting purchases from compounding pharmacies?
18. Please describe any representations Medical Sales Management and/or NECC made to Cumberland Valley Surgery Center prior to Cumberland Valley Surgery Center purchasing medications from NECC.
19. In deciding to purchase medications from NECC, did Cumberland Valley Surgery Center take into consideration any representations from Medical Sales Management and/or NECC regarding its ability to provide a consistent supply of safe medications?
20. Prior to purchasing from NECC, did Cumberland Valley Surgery Center research compounding pharmacies in CDC literature, *USA Today*, FDA literature, or on YouTube? If so, please (1) describe the research and (2) state whether, following the research, Cumberland Valley Surgery Center purchased medications from NECC.
21. To the best of your knowledge, did any of Cumberland Valley Surgery Center's patients experience an injury as a result of Cumberland Valley Surgery Center's purchase, and use, of medications from NECC which were administered to Cumberland Valley Surgery Center's patients?